

Confidential
Kemps Creek Data Centre
BDAR Waiver Request

SYD05-06-07_Y-R-0013

Revision 2 | 16 April 2021

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Job number 277863










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1 Introduction

1.1 Site context and proposed development

The identified site address that is the subject of this technical report is legally defined as 757-769 Mamre Road, Kemps Creek. The entire Site comprises a total area of approximately 17.38 hectares (ha) and is subject to the applicable provisions outlined within SEPP (WSEA) 2009. Access to the Site is currently obtained via the proposed Estate Access Roads (as approved in SSD 9522), which are accessed from Mamre Road. Access into the Site is made possible via Mamre Road, which is subject to future road widening as part of the Mamre Road Widening Project (Transport for NSW).

The Site is situated approximately 40.26 km west of the Sydney CBD, 22.11 km west of Parramatta and 11.97 km southeast of Penrith. It is within close proximity to transport infrastructure routes (predominantly the bus network), as well as sharing direct links with the wider regional road network, including Mamre Road and both the M4 & M7 Motorways. All of which provide enhanced connectivity to the Subject Site and immediate vicinity, as well as the wider locality.

Additionally, the Subject Site is located within close proximity to active transport links, such as bicycle routes, providing an additional mode of accessible transport available to the Subject Site. In its existing state, the Subject Site comprises an undeveloped land portion; however, is subject to bulk earthworks and infrastructure works under a concurrent State Significant Development (SSD) Application – SSD 9522.

The Proponent is proposing to construct and operate a Data Centre on the Subject Site. The Site is located within the Penrith Local Government Area (LGA) and is zoned IN1 General Industrial under the provisions of State Environmental Planning Policy (Western Sydney Employment Area) 2009 (SEPP (WSEA) 2009). Development for the purpose of a Data Centre is permissible with consent within the IN1 General Industrial zone pursuant to the provisions outlined with Part 3, Division 3, Clause 27 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

The site and surrounding context are illustrated below in Figure 1.

The Site will form part of the new Kemps Creek Warehouse, Logistics and Industrial Facilities Hub being developed as a joint venture between Frasers Property and Altis Property Partner under the recently approved SSD 9522 as of 21st December 2020.

The site layout has been developed for three data centres for a total of (3 x 48MW) 144MW capacity. Full detailed design is currently underway for two 48MW centres, with the third data centre being designated as a future build. The design of these which are based on the end-client's reference design as well as applicable Australian standards.

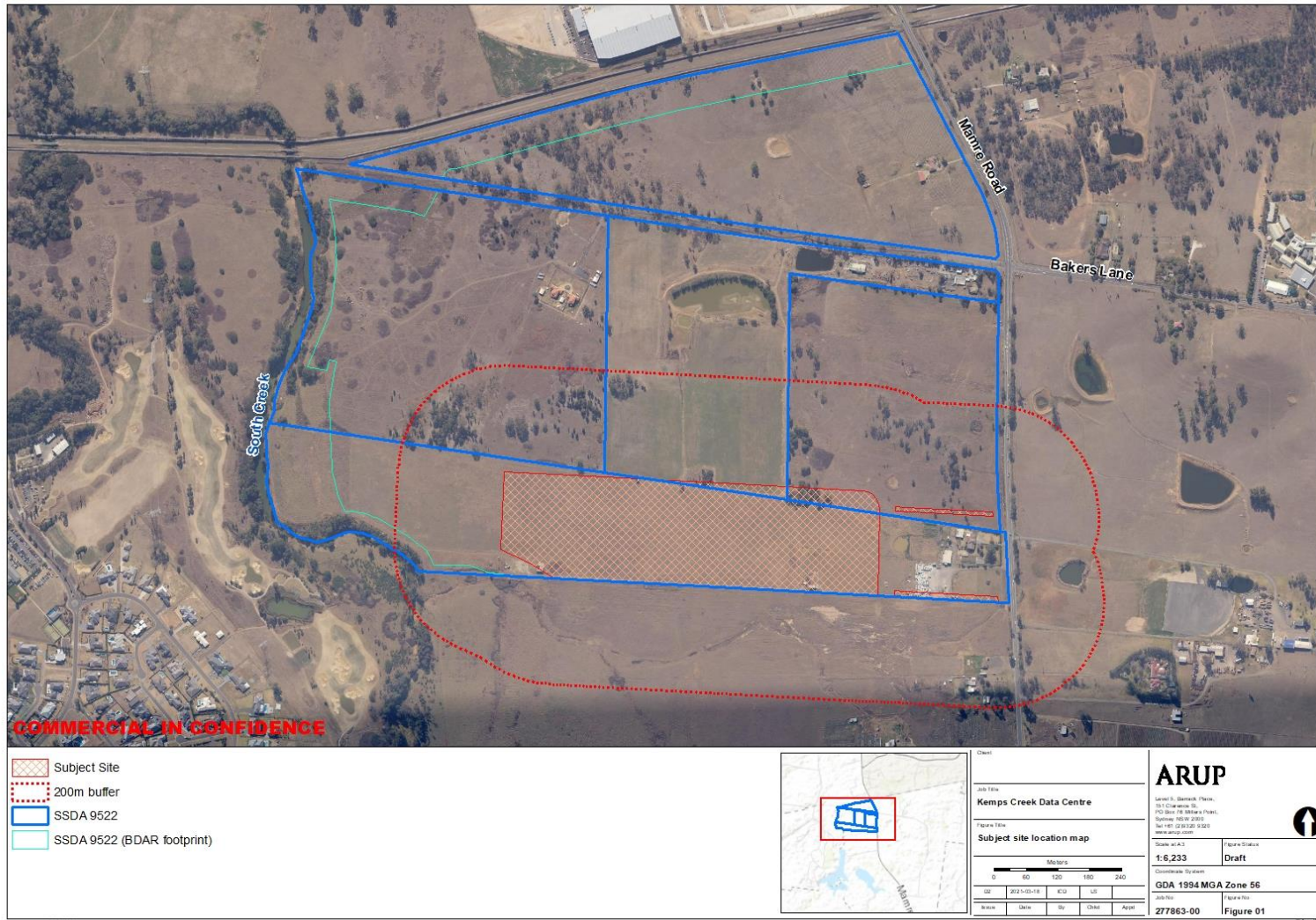


Figure 1: Subject Site

1.2 Purpose of this BDAR Waiver

Section 7.9 of the BC Act and the SEARs require a Biodiversity Development Assessment Report (BDAR) to be prepared for this project. However, SSD 9522 for the master plan has already carried out a BDAR and has received approval for removal of all native vegetation on the Subject Site as part of the development of the approved industrial subdivision.

Of particular relevance to this assessment is the approval of the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (SSD9522). This State Significant Development application was subject to an Environmental Impact Statement (EIS) and Biodiversity Development Assessment Report (BDAR) prepared by Ecoplanning (2019). The conditions of consent for SSD9522 permit the clearing of 9.28 ha of native vegetation, including all native vegetation within and directly adjacent to the Subject Site for this application.

The biodiversity features of the Subject Site and surrounds are characterised by limited biodiversity values due to previous agricultural land use and increasing urbanisation and industrial land uses associated with future development. Given the limited biodiversity values of the Subject Site and the consent to remove all native vegetation as part of a previous approval, the Proponent requests that the requirement for a BDAR be formally waived as per section 7.9(2) of the *Biodiversity Conservation Act 2016*, on the basis that the Proposal:

- Is construction of a building and associated infrastructure on a site that has been cleared of native and exotic vegetation, with bulk earthworks and civil works being completed as part of a current approval;
- Will not require any clearing of vegetation, native or exotic;
- Will not result in any development within or adjacent to any riparian corridors and is located over 180m from a fifth order watercourse that is South Creek and over 50m from Kemps Creek, a second order watercourse;
- Will not result in any adverse impacts to any threatened species or ecological communities; and
- Will not require impacts to any non-native vegetation or human-made structures that could potentially provide habitat for threatened fauna species.

An Environmental Impact Statement (EIS) has also been prepared for the Proposal. Despite the assessment that a BDAR waiver is applicable to the Proposal, the biodiversity impacts have been assessed as a chapter in the EIS. This assessment has reviewed the biodiversity values of the site and adjacent land, in the context of the approval under SSD9522. The EIS has assessed potential direct and indirect impacts associated with the Proposal, and provided construction and operation phase measures to mitigate these minor impacts to biodiversity features. The potential biodiversity impacts associated with the Project have been appropriately identified and managed so that they are not significant.

2 Project information

This BDAR waiver request has been prepared in accordance with the guideline *How to apply for a biodiversity development assessment report waiver for a Major Project Application* (DPIE, 2019). Table 1 provides the information requirements for assessment.

Table 1: BDAR waiver request information requirements

Requirement	Information
Proponent name	Confidential
Project Name	Kemps Creek Data Centre
Name and Ecological qualifications of person completing Table 2	<p>Matt Davis</p> <ul style="list-style-type: none"> • 14 years' experience in research, government and consulting in ecological assessment and environmental impact assessment • Bachelor of Science (Ecology and Conservation Biology) • Master of Environmental Management (Conservation Biology) • BAM Accredited Assessor (BAAS18090) • Certified Environmental Practitioner (0582)
Site street address, Lot and DP, local government area	757-769 Mamre Road, Kemps Creek, City of Penrith
Description of Existing development site	Existing development site
Location map showing the development site in the context of surrounding areas and Landscape features	Refer to Figure 1
Site Map	Refer to Figure 2
Project Description	<p>The Site will form part of the new Kemps Creek Warehouse, Logistics and Industrial Facilities Hub being developed as a joint venture between Frasers Property and Altis Property Partner under the recently approved SSD 9522 as of 21st December 2020.</p> <p>The site layout has been developed for three data centres for a total of (3 x 48MW) 144MW capacity. Full detailed design is currently underway for two 48MW centres, with the third data centre being designated as a future build. The design of these which are based on the end-client's reference design as well as applicable Australian standards.</p>
Biodiversity values	A review of the required biodiversity values relevant to the request for a BDAR waiver is provided in Table 2.

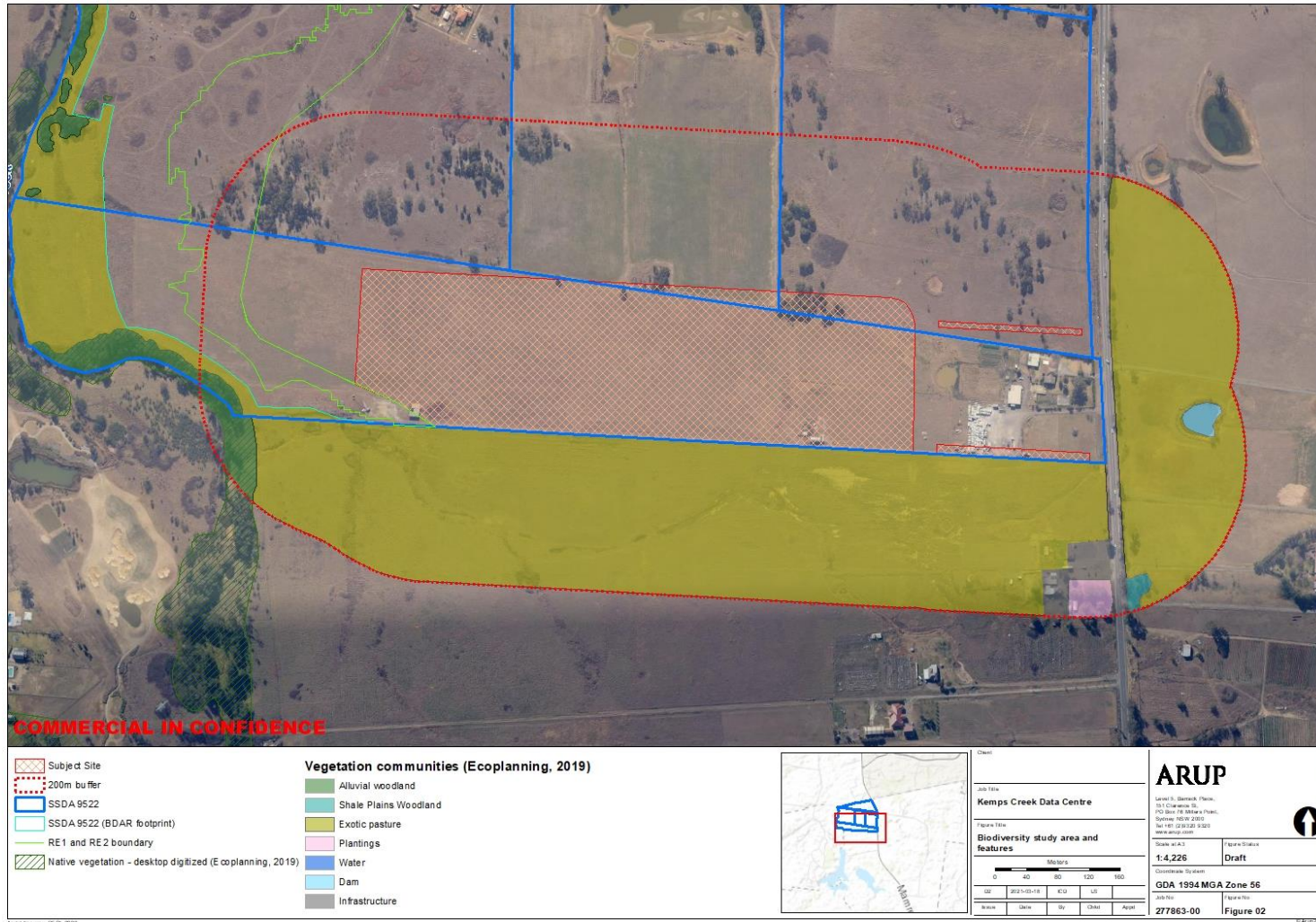


Figure 2: Site map and biodiversity features

Table 2: Impacts of the proposed development on biodiversity values

Biodiversity value	Meaning	Relevant (Yes or N/A)	Explain and document potential impacts including additional impacts prescribed under the <i>Biodiversity Conservation Regulation 2017 (BC Regulation)</i> *
Vegetation abundance 1.4(b) <i>Biodiversity Conservation Regulation 2016 (BC Regulation)</i>	Occurrence and abundance of vegetation at a particular site	N/A	<p>The Subject Site will not contain any native vegetation as the data centre will be constructed on an approved industrial subdivision lot as part of the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (SSD9522)</p> <p>There is a small section of retained riparian vegetation along South Creek that has been retained as part of the approval for the industrial subdivision associated with SSD9522. This vegetation is classified as Alluvial Woodland, PCT 835 - Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion. It is located over 150m to the west of the Subject Site and is buffered by proposed areas zoned as RE1 in the industrial subdivision master plan approved under SSD9522.</p> <p>To the south of the Subject Site there is limited biodiversity values, as presented in the native vegetation mapping in the SSD9522 BDAR (Ecoplanning, 2019). The land to the south contains exotic grassland, with small areas of Alluvial Woodland in the South Creek riparian zone.</p>
Vegetation integrity 1.5(2)(a) <i>Biodiversity Conservation Act 2016 (BC Act)</i>	Degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state	N/A	<p>The vegetation on the Subject Site and the surrounding landscape has had substantial alteration through historical clearing and agricultural land uses. Further degradation of the vegetation on the Subject Site will occur through the approved clearing of all native vegetation as part of enacting SSD 9522 and the associated earthworks and civil works.</p> <p>The areas of retained native vegetation along the South Creek that are located over 150m from the Subject site is classified as being in a disturbed/shrubby condition (Ecoplanning 2019).</p>

Biodiversity value	Meaning	Relevant (Yes or N/A)	Explain and document potential impacts including additional impacts prescribed under the <i>Biodiversity Conservation Regulation 2017 (BC Regulation)</i> *
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	N/A	<p>Habitat suitability for threatened flora within the Subject Site will be extremely low due to the Subject Site being cleared of all native vegetation, with all bulk earthworks and civil works for the industrial subdivision being completed prior to the Proposal being constructed.</p> <p>The Subject Site does not contain any buildings or man-made structures that would provide habitat for threatened species, such as roosting microbats.</p>
Threatened species abundance 1.4(a) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	N/A	<p>No threatened flora species were detected through desktop assessments within the 200m buffer of the Subject Site.</p> <p>The BDAR for SSD 9522 conducted a field survey to determine fauna species in the Mamre South Precinct. Of the 42 species recorded, there were 34 birds, two frogs, five mammals and one reptile. Three species were non-native. No threatened fauna species were recorded during these field surveys for the SSD 9522 BDAR.</p> <p>There are some retained areas of Cumberland Plain Woodland, which is classified as Critically Endangered in the BC Act and EPBC Act, and River-flat Eucalypt Forest, which is classified as Endangered under the BC Act, located along the South Creek riparian corridor over 150m to the west of the Subject Site. These areas will not be subject to any direct or indirect impacts as a result of the Proposal.</p>

Biodiversity value	Meaning	Relevant (Yes or N/A)	Explain and document potential impacts including additional impacts prescribed under the <i>Biodiversity Conservation Regulation 2017 (BC Regulation)</i> *
Habitat connectivity 1.4(c) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	N/A	<p>The Subject Site provides negligible contribution to the movement requirements of threatened species, with no native vegetation or habitat features present. The Subject Site is located within a highly modified landscape, with low and patchy native vegetation cover. The surround suburbs and landscape are composed of rural and agricultural land uses.</p> <p>Habitat connectivity is unlikely to be affected by the construction and operation of the Proposal as there are no fauna corridors within or adjacent to the Subject Site. The South Creek riparian zone is located between 150-180m to the west of the Subject Site and indirect impacts from noise, light and stormwater runoff are suitably buffered due to this distance.</p> <p>The Proposal will include some areas of landscaping around the Subject Site boundary and in carparking areas. This landscaping may provide intermittent and seasonal foraging opportunities for highly mobile threatened species, particularly Grey-headed Flying-fox <i>Pteropus poliocephalus</i>. However, the addition of these foraging plants is not likely to contribute to any movement opportunities that will affect the life cycle of this species.</p>
Threatened species movement 1.4(d) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	N/A	As outlined in the response above, the Subject Site does not currently contribute to habitat connectivity for threatened species. The Proposal includes a suitable buffer of over 150m from the riparian zone of South Creek, which is the closest habitat corridor.

Biodiversity value	Meaning	Relevant (Yes or N/A)	Explain and document potential impacts including additional impacts prescribed under the <i>Biodiversity Conservation Regulation 2017 (BC Regulation)</i> *
Flight path integrity 1.4(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	N/A	The Proposal is a building being developed at ground level and does not include any elements that would impact on flight paths of protected animals.
Water sustainability 1.4(f) BC Regulation	Degree to which water quality, water bodies and Hydrological processes sustain threatened species and threatened ecological communities at a particular site.	N/A	The Proposal will not result in any adverse impacts to downstream water quality, water bodies or hydrological processes that sustain threatened species and threatened ecological communities. The Proposal will include water sensitive urban design elements, such as bioretention basins that will reduce the pollutant load from hardstand areas entering South Creek.